

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-136
SENATE BILL 1171

AN ACT TO MODIFY BUILDING FOUNDATION SETBACK REQUIREMENTS
AND TO ESTABLISH MONITORING REQUIREMENTS FOR WATER SUPPLY
WELLS SERVING INSTITUTIONS AND FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-235 reads as rewritten:

"§ 130A-235. **Regulation of sanitation in ~~institutions.~~ institutions; setback requirements applicable to certain water supply wells.**

(a) For protection of the public health, the Commission shall adopt rules to establish sanitation requirements for all institutions and facilities at which individuals are provided room or board and for which a license to operate is required to be obtained or a certificate for payment is obtained from the Department. The rules shall also apply to facilities that provide room and board to individuals but are exempt from licensure under G.S. 131D-10.4(1). No other State agency may adopt rules to establish sanitation requirements for these institutions and facilities. The Department shall issue a license to operate or a certificate for payment to such an institution or facility only upon compliance with all applicable sanitation rules of the Commission, and the Department may suspend or revoke a license or a certificate for payment for violation of these rules. In adopting rules pursuant to this section, the Commission shall define categories of standards to which such institutions and facilities shall be subject and shall establish criteria for the placement of any such institution or facility into one of the categories. This section shall not apply to State institutions and facilities subject to inspection under G.S. 130A-5(10).

(b) Rules that establish a minimum distance from a building foundation for a water supply well shall provide that an institution or facility located in a single-family dwelling served by a water supply well that is located closer to a building foundation than the minimum distance specified in the rules may be licensed or approved if the results of water testing meet or exceed standards established by the Commission and there are no other potential health hazards associated with the well. At the time of application for licensure or approval, water shall be sampled and tested for pesticides, nitrates, and bacteria. Thereafter, water shall be sampled and tested at intervals determined by the Commission but not less than annually. A registered sanitarian or other health official who is qualified by training and experience shall collect the water samples as required by this subsection and may examine the well location to determine

if there are other potential health hazards associated with the well. A well shall comply with all other applicable sanitation requirements established by the Commission.

(c) The Department may suspend or revoke a license or approval for a violation of this section or rules adopted by the Commission."

Section 2. The Commission for Health Services may adopt temporary rules necessary to implement Section 1 of this act within 90 days of the effective date of this act.

Section 3. No later than 1 January 1999, the Commission for Health Services shall adopt a temporary rule in accordance with G.S. 150B-21.1 that provides specific guidelines for waiving the existing water supply well setback requirements contained in 15A NCAC 18A.1720 for institutions and facilities located in single-family dwellings. In adopting this rule, the Commission shall determine specific criteria under which 15A NCAC 18A.1720 may be waived while still protecting the public health.

Section 4. The Commission for Health Services shall report to the Joint Legislative Administrative Procedure Oversight Committee on the implementation of this act no later than 1 October 1998.

Section 5. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 2nd day of September, 1998.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 10:26 a.m. this 11th day of September, 1998